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March 6, 2017

Via ECF w/ Courtesy Copy by Facsimile to (212) 805-7986

Honorable Judge Paul G. Gardephe

United States District Court

Southern District of New York

40 Foley Square, Rm 2204

New York, NY 10007

**Re: *The Basu Group, Inc. v. Seventh Avenue, Inc.*, 1:16-cv-00461 (PGG)
Parties' Proposed Summary Judgment Briefing Schedule**

Dear Judge Gardephe:

We represent plaintiff in the above-referenced civil litigation. Defendant having filed its Amended Answer and Counterclaims (Doc 60 of this action), pursuant to Your Honor's Order of Doc 59, we herein write to inform the Court of the plaintiff's, and the parties', post Amended Answer and Counterclaims decisions on dispositive motions.

Plaintiff will not move to dismiss counterclaims, nor will plaintiff move to strike affirmative defenses, of defendant's Amended Answer and Counterclaims.

The parties will, however, file cross-motions for summary judgment, and propose to the Court the following alternative briefing schedule for such cross-motions for summary judgment:

- 1) The parties will be allowed the following summary judgment motions:
 - 1) Plaintiff to file a motion for summary judgment for infringement of its copyright;
 - 2) Plaintiff to file a motion for summary judgment of non-invalidity of its copyright registration;
 - 3) Defendant to file a motion for summary judgment on issues which may include non-infringement, invalidity of plaintiff's copyright registration, fraud, unclean hands and unenforceability and referral to the Copyright Office;
- 2) Plaintiff proposes the following briefing schedule:
 - 1) **March 31, 2017** - the parties' opening briefs due;
 - 2) **April 21, 2017** - the parties' briefs in opposition due;
 - 3) **May 5, 2017** - the parties' reply briefs due; and

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Honorable Judge Gardephe

March 6, 2017

Page 2

- 3) Defendant proposes the following briefing schedule:
 - 1) **April 14, 2017** - the parties' opening briefs due;
 - 2) **April 28, 2017** - the parties' briefs in opposition due;
 - 3) **May 11, 2017** - the parties' reply briefs due; and
- 4) **May/June**, 2017, at **AM/PM, in Courtroom 705**, for the hearing on all summary judgment motions.

Plaintiff also requests that the Court **not** schedule the hearing on the summary judgment motions for any time during the period May 17, 2017 – June 7, 2017, inclusive. Defendant does not oppose this request.

Respectfully submitted,



Michael R. Gilman (MRG 7608)

c: Ralph H. Cathcart, Esq. and David Brezina, Esq. (via email)